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February 22, 2022

By ECF

Hon. Sarah L. Cave
500 Pearl St.
New York, NY 10007-1312

Re: Estate of Tamar Rhode v. Sandelli and Northstar
Date of Incident: February 6, 2021
Place of Incident: West 45th Street and Broadway
Venue: USDC - SDNY
Docket No.: 1:21-CV-02038-SLC

Dear Justice Cave:

I am writing to advise that the parties have agreed to settle this action.

Defendants' counsel has requested that amount of the settlement only be disclosed in a sealed filing. As such, if the Court requires the amount of the settlement at this time, please allow this letter to serve as a letter-motion pursuant to your *Individual Practices In Civil Cases* Rule I(G)(2) permitting the undersigned to file a letter under seal with the settlement amount.

Rule 83.2(b) of the Local Civil Rules for the Southern and Eastern Districts of New York requires that in an action for wrongful death or conscious pain and suffering:

- (1) Where required by statute or otherwise, the Court shall apportion the avails of the action, and shall approve the terms of any settlement.
- (2) The Court shall approve an attorney's fee only upon application in accordance with the provisions of the New York State statutes and rules.

New York law requires that a court approve a compromise for a wrongful death action "... after inquiry into the merits of the action and the amount of damages proposed ... as it shall determine to be adequate including approval of attorneys fees and other payable expenses" N.Y. Est. Powers & Trusts Law § 5-4.6. See also, Moises v. Riverbank Rest. LLC, 1:17-cv-09943 (SDA) (S.D.N.Y. Dec. 21, 2018).

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Accordingly, plaintiff's counsel will file a motion seeking approval of the settlement, attorney's fees, etc. I am requesting 45 days to prepare and file the motion.

Very Truly Yours,

Matt Sakkas

Matthew Sakkas, Esq.
Plaintiff's Counsel